



AN ACT GENERALLY REVISING LAWS RELATING TO JUDGMENTS AND COLLECTIONS; CLARIFYING THE STATUTE OF LIMITATIONS FOR BRINGING AN ACTION TO COLLECT EXPENSES INCURRED BY EITHER SPOUSE FOR FAMILY EXPENSES OR CHILDREN'S EDUCATION; PROVIDING THAT WHEN A JUDGMENT IS FOR A FINE AND IMPRISONMENT, THE COURT MAY ORDER EXECUTION ON THE FINE PORTION OF THE JUDGMENT; AND AMENDING SECTIONS 40-2-106 AND 46-19-102, MCA.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

**Section 1.** Section 40-2-106, MCA, is amended to read:

**"40-2-106. Liability for acts or debts of spouse.** (1) ~~Neither~~ A husband nor or wife, as such solely on the basis of being a spouse, is not answerable for the acts of the other spouse or liable for the debts contracted by the other spouse; ~~provided, however, except~~ that the expenses for ~~necessaries~~ necessities of the family and of the education of the spouses' children are chargeable upon the property of both the husband and wife, or either of them, and in relation ~~thereto~~ to those expenses ~~they~~ the husband and wife may be sued jointly or separately.

(2) The period prescribed for commencing an action to recover expenses described in subsection (1) incurred by either spouse is governed by the provisions of 27-2-202."

**Section 2.** Section 46-19-102, MCA, is amended to read:

**"46-19-102. Execution of judgment.** (1) If ~~the~~ a judgment is for a fine alone or for a fine and imprisonment, execution may issue on the fine portion of the judgment, any unpaid interest accrued on the fine portion of the judgment, and costs and fees incurred in collecting the fine portion of the judgment as on a judgment in a civil case.

(2) If the judgment is for a fine and imprisonment until the fine is paid, the defendant must be committed to the custody of the proper officer and detained and allowed a credit for each day of incarceration as provided in 46-18-403.

(3) (a) The court may contract with a private person or entity for the collection of any fine portion of a

judgment.

(b) In the event that a private person or entity is retained to collect a the fine portion of a judgment, the court may assign the fine portion of the judgment to the private person or entity and the private person or entity may, as an assignee, institute suit or other lawful collection procedures and postjudgment remedies in the private person's or entity's own name.

(c) The court, after deducting the charges provided for in 46-18-236, may pay the private person or entity a reasonable fee for collecting the fine portion of a judgment. The fee incurred by the court must be added to the fine portion of the judgment amount."

- END -

I hereby certify that the within bill,  
SB 0441, originated in the Senate.

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Secretary of the Senate

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President of the Senate

Signed this \_\_\_\_\_ day  
of \_\_\_\_\_, 2009.

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Speaker of the House

Signed this \_\_\_\_\_ day  
of \_\_\_\_\_, 2009.

SENATE BILL NO. 441  
INTRODUCED BY J. LASLOVICH

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